

## PART 0—CONDUCT OF EMPLOYEES

### Subpart A—General

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AUTHORITY: Secs. 25, 161, 68 Stat. 9925, 948, as amended (42 U.S.C. 2035, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306, 5 CFR 2635.105 and 2635.402(d)(1). Section 0.735-2, also issued under 5 U.S.C. 552, 553.

SOURCE: 31 FR 4502, Mar. 17, 1966, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 0 appear at 56 FR 29407, June 27, 1991.

### Subpart A—General

#### **§ 0.735-1 Cross-reference to employee ethical conduct standards and financial disclosure regulations.**

Employees of the Nuclear Regulatory Commission (NRC) are subject to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the NRC regulation at 5 CFR part 5801 which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

[59 FR 17460, Apr. 13, 1994]

### Subpart B—Conflict of Interest Restrictions

#### **§ 0.735-2 Exemptions for financial interests.**

(a) *Exemption of remote or inconsequential financial interests.* (1) In accordance with the provisions of 18 U.S.C. 208(b)(2), the NRC has exempted the following financial interests from 18 U.S.C. 208(a) upon the ground that such interests are too remote or too incon-

sequential to affect the integrity of its employees' services:

(i) Financial interests in an enterprise in the form of shares in the ownership thereof, including preferred and common stocks whether voting or non-voting, and warrants to purchase such shares;

(ii) Financial interests in an enterprise in the form of bonds, notes, or other evidence of indebtedness;

(iii) Investments in State or local government bonds and investments in shares of a widely held diversified mutual fund or regulated investment company, except holdings in mutual investment funds or regulated investment companies dealing primarily in atomic energy stocks; *Provided*, That in the case of paragraph (a)(1) (i) and (ii) of this section:

(A) The total market value of the financial interests described in said subdivisions with respect to any individual enterprise does not exceed \$1000; and

(B) The holdings in any class of shares, or bonds, or other evidences of indebtedness, of the enterprise do not exceed 1 percent of the dollar value of the outstanding shares, or bonds or other evidences of indebtedness in said class.

(2) Where a person covered by this exemption is a member of a group organized for the purpose of investing in equity or debt securities, the interest of such person in any enterprise in which the group holds securities shall be based upon said person's equity share of the holdings of the group in that enterprise.

(3) For purposes of paragraph (a)(1) of this section, computations of dollar value of financial interests in corporations shall be by means of:

(i) Market value in the case of stocks listed on national exchanges; or

(ii) Over-the-counter market quotations as reported by the National Daily Quotation Service in the case of unlisted stocks; or

(iii) By means of net book value (i.e. assets less liabilities) in the case of stocks not covered by the preceding two categories. With respect to debt securities, face value shall be used for valuation purposes.

(4) The dollar value and percentage of financial interests listed above in paragraph (a)(1) of this section shall be computed as of the date on which the employee first participated personally and substantially in any particular matter, within the meaning of 18 U.S.C. 208(a), relating to the enterprise concerned. The dollar value and percentage so computed shall govern during the entire period that the employee participates in the particular matter unless, after the date of computation, the employee, or other person or organization referred to in paragraph (a) of this section acquires an additional interest in the same enterprise. In the event of such subsequent acquisition, the dollar value and percentage shall be recomputed as of the date of the subsequent acquisition. If, as a result of the subsequent acquisition, the dollar value and percentage computed exceeds the limitations described in paragraph (a)(1) of this section, the general exemption provided therein shall no longer be applicable and an ad hoc exemption must be sought in accordance with the provisions of 18 U.S.C. 208(b)(1).

(b) *Special exemption for special Government employees.* Federal Personnel Manual Chapter 735, Appendix C provides that a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by 18 U.S.C. 208. However, that chapter states that the power of exemption may be exercised in this situation "if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or organization." It is the policy of the Nuclear Regulatory Commission in conformity with the foregoing to exercise the power of exemption pursuant to 18 U.S.C. 208(b) in such situations.

[58 FR 29951, May 25, 1993. Redesignated and amended at 59 FR 17460, Apr. 13, 1994]

### Subpart C—[Reserved]

### Subpart D—Restrictions Imposed by NRC Administrative Decision on Conduct of Employees—[Reserved]

## PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

### Subpart A—Introduction

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- 1.1 Creation and authority.
- 1.3 Sources of additional information.
- 1.5 Location of principal offices and Regional Offices.

### Subpart B—Headquarters

- 1.11 The Commission.

#### INSPECTOR GENERAL

- 1.12 Office of the Inspector General.

#### PANELS, BOARDS, AND COMMITTEES

- 1.13 Advisory Committee on Reactor Safeguards.
- 1.15 Atomic Safety and Licensing Board Panel.
- 1.18 Advisory Committee on Nuclear Waste.
- 1.19 Other committees, boards, and panels.

#### COMMISSION STAFF

- 1.23 Office of the General Counsel.
- 1.24 Office of Commission Appellate Adjudication.
- 1.25 Office of the Secretary of the Commission.
- 1.26 [Reserved]
- 1.27 Office of Congressional Affairs.
- 1.28 Office of Public Affairs.
- 1.29 Office of International Programs.

#### EXECUTIVE DIRECTOR FOR OPERATIONS

- 1.31 Office of the Executive Director for Operations.

#### STAFF OFFICES

- 1.32 Office of Enforcement.
- 1.33 Office of Administration.
- 1.34 Office of Information Resources Management.
- 1.35 Office for Analysis and Evaluation of Operational Data.
- 1.36 Office of Investigations.
- 1.37 Office of Small Business and Civil Rights.
- 1.38 Office of the Controller.
- 1.39 Office of Personnel.